IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 35349 of 2007(G)

PETITIONERS:

1. **HAREESH.G., S/O.P.GOPINATHAN NAIR, AGED 21 YEARS, GOPIKA, NAVAIKULAM P.O., TRIVANDRUM DISTRICT.**
2. **NABEEL.N., S/O.NAZAR.S, AGED 20 YEARS, "SALIKA", MALAMELPARAMBU, KANIYAPURAM P.O., THIRUVANANTHAPURAM DISTRICT.**
3. **NISHAN.B., S/O.A.R.BASHEER, AGED 20 YEARS, SIMI MANZIL, VAKKOM P.O., THIRUVANANTHAPURAM DISTRICT.**
4. **NITHIN MANIKANTAN, S/O.G.MANIKANTAN, AGED 19 YEARS, BHAVANARAJ, MANNOORBHAGAM, ALANCODE P.O., ATTINGAL.**

BY ADV. SMT.K.GIRIJA

RESPONDENTS:

1. **THE STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY, HIGHER EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **REGISTRAR, COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, KOCHI, PIN 682022,**
3. **CONTROLLER OF EXAMINATIONS, OFFICE OF THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, KOCHI, PIN 682 022.**
4. **THE PRINCIPAL, COLLEGE OF ENGINEERING, GOVERNMENT ITI CAMPUS, ATTINGAL, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD
SRI.ABUL HASSAN, SC FOR UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 35349 OF 2007 G

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Dated this the 4th December, 2007

J U D G M E N T

The petitioners are Vth Semester B.Tech students in the 4th respondent College. The writ petition has been filed praying for directing the respondents to consider the petitioners' request for condoning shortage of attendance and pass orders. They are also seeking a direction to the respondents to register their names for the vi th Semester B.Tech course without insisting for the certificate condoning shortage of their absence.

2. It is stated in the writ petition that going by the percentage of attendance that has been declared by the University, as against the minimum requirement of 75%, the percentage of attendance that they have is 60, 64, 61 and 60 respectively. It is the specific contention of the Petitioners that if the attendance as indicated in Exts. P1, P4, P8 and P9 is also taken into account, they will be satisfying the minimum requirement and will reach within the

condonable limits.

3. The request made by them to give credit to the days indicted in Exts P1, P4, P8 and P9 is yet to be considered by the Principal. The Standing Counsel for the 3rd respondent submits that it is essentially for the Principal of the college concerned to consider the request made and make his recommendations to the Controller of Examinations in the University and that it is thereafter for the Controller of Examinations, to finally decide the matter.

4. Taking into account the facts of the case and the submissions made as above, I dispose of this writ petition directing that the 4th respondent shall take up Exts. P1, P4, P8 and P9 requests made by the petitioner for taking into account the number of days indicated therein and make his recommendations to the Controller of Examinations of the University. This the 4th respondent shall do within 7 days of receipt of a copy of this judgment. Thereafter, on receipt of the recommendations from the 4th respondent, the 3rd respondent shall finally decide on the request of the petitioners for condonation of their attendance. While doing so, the 3rd respondent shall take into account the recommendations

made by the 4th respondent also. This the 3rd respondent shall do within 10 days of receipt of the recommendation of the Principal.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-